

IN THE CLAIMS

Please amend claims 1, 2, 10, 11, 19 and 20, and add new claims 28-33 as follows:

1. (CURRENTLY AMENDED) A method of automatic measurement of audio presence and level by direct processing of a data stream representing an audio signal in a processor, comprising:

- (a) extracting, in the processor, sub-band data from the data stream;
- (b) dequantizing and denormalizing, in the processor, the extracted sub-band data;
- (c) measuring, in the processor, an audio level for the dequantized and denormalized sub-band data without reconstructing the audio signal using channel characteristics;
- (d) comparing, in the processor, the measured audio level against one or more thresholds; and
- (e) triggering, in the processor, an alarm as determined by the comparing step (d), wherein the one or more thresholds are set to generate the alarm based on: (1) loss of the audio signal in the data stream or (2) when an average level of the audio signal level in the data stream is too high or too low, in order to monitor the audio presence and level within the data stream and to adjust the audio level as desired.

2. (CURRENTLY AMENDED) The method of claim 1, further comprising using a psychoacoustic model in determining a perceived level of the measured audio signal level according to human ear sensitivity.

3. (CANCELED)

4. (PREVIOUSLY PRESENTED) The method of claim 1, wherein the channel characteristics are used to weight an instantaneous level.

5. (PREVIOUSLY PRESENTED) The method of claim 1, wherein the channel characteristics are used to weight an overall level.

6. (PREVIOUSLY PRESENTED) The method of claim 1, wherein the sub-band data represents the audio signal's strength in a frequency band represented by a sub-band at a particular point in time.

7. (ORIGINAL) The method of claim 1, further comprising averaging the audio level over time.

8. (ORIGINAL) The method of claim 1, further comprising thresholding the audio level.

9. (CANCELED)

10. (CURRENTLY AMENDED) In a processor, an apparatus for automatic measurement of audio presence and level by direct processing of a data stream representing an audio signal, comprising:

- (a) means for extracting sub-band data from the data stream;
- (b) means for dequantizing and denormalizing the extracted sub-band data;
- (c) means for measuring an audio level for the dequantized and denormalized sub-band data without reconstructing the audio signal using channel characteristics;
- (d) means for comparing the measured audio level against one or more thresholds; and
- (e) means for triggering an alarm as determined by the means for comparing (d), wherein the one or more thresholds are set to generate the alarm based on: (1) loss of the audio signal in the data stream or (2) when an average level of the audio ~~signal~~ level in the data stream is too high or too low, in order to monitor the audio presence and level within the data stream and to adjust the audio level as desired.

11. (CURRENTLY AMENDED) The apparatus of claim 10, further comprising means for using a psychoacoustic model in determining a perceived level of the measured audio ~~signal~~ level according to human ear sensitivity.

12. (CANCELED)

13. (PREVIOUSLY PRESENTED) The apparatus of claim 10, wherein the channel characteristics are used to weight an instantaneous level.

14. (PREVIOUSLY PRESENTED) The apparatus of claim 10, wherein the channel characteristics are used to weight an overall level.

15. (PREVIOUSLY PRESENTED) The apparatus of claim 10, wherein the sub-band data represents the audio signal's strength in a frequency band represented by a sub-band at a particular point in time.

16. (ORIGINAL) The apparatus of claim 10, further comprising means for averaging the audio level over time.

17. (ORIGINAL) The apparatus of claim 10, further comprising means for thresholding the audio level.

18. (CANCELED)

19. (CURRENTLY AMENDED) A computer readable medium comprising a storage device encoded with instructions that, when executed by a processor, result in the processor performing a method of automatic measurement of audio presence and level by direct processing of a data stream representing an audio signal, comprising:

- (a) extracting, in the processor, sub-band data from the data stream;
 - (b) dequantizing and denormalizing, in the processor, the extracted sub-band data;
 - (c) measuring, in the processor, an audio level for the dequantized and denormalized sub-band data without reconstructing the audio signal using channel characteristics;
 - (d) comparing, in the processor, the measured audio level against one or more thresholds;
- and

(e) triggering, in the processor, an alarm as determined by the comparing step (d), wherein the one or more thresholds are set to generate the alarm based on: (1) loss of the audio signal in the data stream or (2) when an average level of the audio signal level in the data stream is too high or too low, in order to monitor the audio presence and level within the data stream and to adjust the audio level as desired.

20. (CURRENTLY AMENDED) The method of claim 19, further comprising using a psychoacoustic model in determining a perceived level of the measured audio ~~signal~~ level according to human ear sensitivity.

21. (CANCELED)

22. (PREVIOUSLY PRESENTED) The method of claim 19, wherein the channel characteristics are used to weight an instantaneous level.

23. (PREVIOUSLY PRESENTED) The method of claim 19, wherein the channel characteristics are used to weight an overall level.

24. (PREVIOUSLY PRESENTED) The method of claim 19, wherein the sub-band data represents the audio signal's strength in a frequency band represented by a sub-band at a particular point in time.

25. (PREVIOUSLY PRESENTED) The method of claim 19, further comprising averaging the audio level over time.

26. (PREVIOUSLY PRESENTED) The method of claim 19, further comprising thresholding the audio level.

27. (CANCELED)

28. (NEW) The method of claim 1, further comprising the step of adjusting the audio level within the data stream according to the measured audio level.

29. (NEW) The method of claim 1, wherein an audio level is measured in the processor for all of the dequantized and denormalized extracted sub-band data.

30. (NEW) The apparatus of claim 10, further comprising means for adjusting the audio level within the data stream according to the measured audio level.

31. (NEW) The apparatus of claim 10, wherein an audio level is measured in the processor for all of the dequantized and denormalized extracted sub-band data.

32. (NEW) The computer readable medium of claim 19, wherein the performed method further comprises the step of adjusting the audio level within the data stream according to the measured audio level.

33. (NEW) The computer readable medium of claim 19, wherein an audio level is measured in the processor for all of the dequantized and denormalized extracted sub-band data.